

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LAUREN CUNNINGHAM, individually and as  
a representative of a class of participants and  
beneficiaries in and on behalf of the USI 401(k)  
Plan,

Plaintiff,

v.

USI INSURANCE SERVICES, LLC; BOARD  
OF DIRECTORS OF USI INSURANCE  
SERVICES, LLC, USI 401(K) PLAN  
COMMITTEE, and JOHN and JANE DOES  
1-30,

Defendants.

Civil Action No. 21-cv-01819-NSR

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <b>09/02/2022</b>
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**NOTICE OF DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Amended Complaint; the accompanying Declaration of Jonathan K. Youngwood, including all of the exhibits appended thereto; all records and papers on file in this action, and any evidence or oral argument offered at any hearing on this Motion, Defendants USI Insurance Services, LLC, Board of Directors of USI Insurance Services, LLC, and USI 401(k) Plan Committee will and hereby do move this Court, before the Honorable Nelson S. Román, at The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse located at 300 Quarropas Street, White Plains, New York, 10601 on a date and at a time to be designated by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Complaint. Oral argument is requested on a date and at a time designated by the Court.

MEMO ENDORSED

Dated: September 2, 2022

SIMPSON THACHER & BARTLETT LLP

By /s/ Jonathan K. Youngwood

Jonathan K. Youngwood

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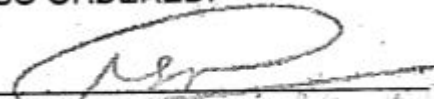
*Counsel for Defendants*

**The Court DENIES Defendants' motion without prejudice for failure to follow this Court's Individual Practices. See Sec. 3.A.ii.**

**The Clerk of the Court is directed to terminate the motion on ECF No. 49.**

**Dated: September 2, 2022  
White Plains, NY**

**SO ORDERED:**



HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE